



Federal Communications Commission
Washington, D.C. 20554

June 25, 2009

DA 09-1409

Mr. Gary Sabalone
P.O. Box 368
Upper Lake, CA 95485

Re: Request to Reinstate Marine Radio Operator Permit MPGB038403

Dear Mr. Sabalone:

This letter addresses your request, filed June 11, 2009, for reinstatement of your expired Marine Radio Operator Permit (MP). For the reasons below, we deny your request.

On October 19, 1997, the Commission granted you a MP for a term of five years, expiring on October 19, 2002. On July 22, 2002, the Commission sent a renewal reminder to your address of record. On October 19, 2002, the license expired by its own terms, and was canceled on October 20, 2007 upon the expiration of the five-year grace period for renewing commercial operator licenses.¹

Effective March 25, 2008, the Commission's rules were amended to extend MPs and certain other commercial radio operator licenses from five years to the lifetime of the holder.² When the Commission adopted this rule change, it specifically stated that the extension applied only to licenses that were active when the change went into effect, and did not extend the term of licenses that expired before then.³

In your petition, you request that the Commission reinstate your MP for two reasons. First, you state that you do not recall receiving a renewal reminder in 2002. Although the Commission sends letters to remind licensees of pending expiration dates, the renewal reminder is merely a courtesy and non-receipt by the licensee is not sufficient justification for a failure to file a timely renewal application.⁴ Second, you note that after you qualified for a MP, the Commission extended the license term to the lifetime of the holder. As discussed above, however, the Commission specifically stated that commercial radio operator licenses that expired before the rule change took effect had to be renewed within the grace period. Because you did not renew the license during the grace period, you must take the required examination and apply for a new license if you wish to be relicensed.⁵

Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934,

¹ See 47 C.F.R. § 13.13(b).

² See 47 C.F.R. § 13.13(b).

³ See Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Memorandum Opinion and Order, Third Report and Order, and Third Further Notice of Proposed Rule Making*, WT Docket No. 00-48, 21 FCC Rcd 10282, 10305 n.179 (2006); see also Wireless Telecommunications Bureau Reminds Holders of Certain Commercial Radio Operator Licenses that They Are No Longer Required to File Renewal Applications, *Public Notice*, 24 FCC Rcd 3544, 3544 (WTB 2009).

⁴ See Biennial Regulatory Review - Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, *Report and Order*, WT Docket No. 98-20, 13 FCC Rcd 21027, 21071 ¶ 96 (1998).

⁵ See 47 C.F.R. § 13.13(b).

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as amended, 47 U.S.C. § 154(i), and Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, the petition submitted by Gary Sabalone on June 11, 2009, IS DENIED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau